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# **BARTHOLOMEW COUNTY BOARD OF ZONING APPEALS** (June 25, 2012 Meeting)

### STAFF REPORT

**Docket No. / Project Title:** B/DS-12-02 (Heritage Heights)

Staff: Rae-Leigh Stark

Applicant: Steve Harmon **Property Size:** 205.36 Acres

**Current Zoning:** RMH (Residential Manufactured Home Park)

Location: 2895 Henry Lakes Boulevard in German Township

## **Background Summary:**

The applicant has indicated that the proposed variance from Zoning Ordinance Section 10 (Table 10.1) is for the purpose of constructing a sign which exceeds the maximum area of a development entry sign by 16 square feet for a total of 48 square feet and which exceeds the maximum height of a development entry sign by 4 feet for a total of 10 feet.

## **Preliminary Staff Recommendation:**

Denial, criteria 2 and 3 have not been met.

#### **Zoning Ordinance Considerations:**

District Intent: The intent of the RMH (Residential Manufactured Home Park) zoning district is as follows: To provide areas for leased-lot developments of manufactured and mobile homes. Development in this zoning district should be served by sewer and water utilities. The "RMH" district should be used in limited locations with highly developed infrastructure, immediate access to Arterial or Collector roads, and direct connections to public open space and convenience goods.

Development Standards: Development Entry Sign: maximum permitted area is 32 square feet and maximum permitted height is 6 feet.

Current Property Information:		
Land Use:	Manufactured Home Park	
Site Features:	Manufactured home park, an existing entryway sign, and curbed median	
Flood Hazards:	No Flood Hazards Exist	
Vehicle Access:	Henry Lakes Boulevard (Local) from US 31 (Arterial)	

Surrounding Zoning and Land Use (of the sign location):			
	Zoning:	Land Use:	
North:	CC (Community Commercial)	Wexford Apartments	
South:	CC (Community Commercial) CC (Community Commercial) CC (Community Commercial)	Caribbean Clean Laundromat  La Azteca Restaurant  Dollar General	
East:	RE (Residential Established)	Single-family Residential	
West: RMH (Residential Manufactured Home Park)		Heritage Heights Manufactured Home Park	

## **Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. The proposed sign is located within the median on Henry Lakes Boulevard, at the entrance of Heritage Heights. It's located in Bartholomew County's right-of-way. Typically a request to construct anything in the right-of-way would be determined by the County Commissioners. Because the applicant is requesting an exception to what is permitted by the Zoning Ordinance, the Commissioners felt the applicant should present to the Board of Zoning Appeals for a decision.
- 2. There is currently an existing sign at the site which meets the size standards of the Zoning Ordinance for a development entry sign (measuring 32 square feet and 6 feet high). The sign was approved by the County Commissioner's and the County Highway Engineer and is located outside the site visibility triangle.
- 3. The proposed sign is an addition to the existing one exceeding the maximum area of a development entry sign by 16 square feet for a total of 48 square feet and exceeding the maximum height of a development entry sign by 4 feet for a total of 10 feet.
- 4. The Zoning Ordinance requires landscaping around the base of a freestanding sign if it is over 6 feet high. The ordinance requires a total of 40 points radiating a minimum of 5 feet from the base of the sign. If the variance is approved the applicant will then submit an application for a Zoning Compliance Certificate for review of the sign details and proposed landscape plan.

#### **Provisional Findings of Fact/Decision Criteria:**

The Board of Zoning Appeals may approve or deny variances from the development standards of the Bartholomew County Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

*Provisional Findings:* The proposed sign is located outside the sight visibility triangle and its location was approved by the County Highway Department. The location is typical to other entry way signs with exception that the actual Heritage Heights home sites are located further back along the entry road. *This criterion has been met.* 

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Provisional Findings: The proposed sign is much larger than permitted by the Zoning Ordinance.

Permitting the sign to be the proposed size could affect the adjacent properties as it may draw away from the visibility of the nearby businesses. *This criterion has not been met.* 

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

Provisional Findings: Heritage Heights has been in use as a manufactured home park since the 90s with no known difficulties in using the property. The proposed signage is for the purpose of additional advertisement with the intention of economic gain. There were no unique characteristics of the property or the entrance that would result in a need for Heritage Heights to have a sign larger than other similar developments. This criterion has not been met.

## **Board of Zoning Appeals Options:**

In reviewing a request for <u>development standards variance</u> the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.